

REMARKS

CLAIM REJECTIONS UNDER 35 USC 102

Claim 1 is rejected over the reference to Toivola, the Examiner stating that Toivola has “an elongated upper beam member 20 in between the ends of the cross members at a central location thereof.”. Claim 1 is amended to now specify that the boat-receiving member is connected “at the center thereof” to a single support mounted over the middle of a front of a vehicle and a single support mounted over a middle of a rear of the vehicle. Newly added claims 17 and 22 also contain these limitations. As such, since the reference of Toivola does not disclose this structure in any way, the rejection of claim 1 under 35 USC 102 over Toivola should be obviated.

CLAIM REJECTIONS UNDER 35 USC 103

Claim 2 is amended to specify construction of the single front support and single rear support by specifying that the front support and rear support includes a “lower upright post portion and an upper post portion”, and “configured to be removably and adjustably engagable with each other so that said boat-receiving cross member is locked at a selected height over said vehicle and generally centered over said vehicle”. These claim limitations are not found in the primary reference to Toivola. The amendments to claim 2 should render the rejection over the combination of Toivola and Muzzi moot.

Claim 8 is cancelled with this amendment, rendering the rejection

thereto moot.

Claims 3 – 5 and 7 are rejected over the primary reference of Toivola combined with the references of Young and Vieira. The reference to Young teaches a receiver hitch pickup truck bed extender with adjustability in a vertical direction. However, such a bed extender combined with Toivola still would not overcome the deficiencies of Toivola as noted above with respect to claims 1. As noted, Applicant's claim limitations of claim 1 include a single front vertical support and a single rear vertical support, with a boat-receiving cross member connected at its center to a top of a respective single vertical support. A single beam member extending over the middle of the vehicle is connected to the center of each boat-receiving cross member for stabilizing the front and rear assemblies. These limitations, or teachings, suggestions or inferences thereof are not found in the suggested combination of Toivola and Young, taken singly or together.

The reference to Vieira teaches a tripod apparatus for carrying elongate objects, and is relied on for having upturned ends on boat-carrying portions. However, the addition of the upturned ends of Vieira to Toivola does nothing to cure the deficiencies of Toivola as noted above.

With respect to the rejection to claim 4, the reference of Young is relied on for overlapping tubing and vertically spaced holes. However, this combination does not cure the deficiencies of Toivola as discussed above.

With respect to claim 6, Muzzi is relied on for attachment using U-bolts. However, such a combination does not cure the deficiencies of Toivola

as noted above.

One unobvious advantage of Applicant's boat carrying rack over Toivola and Vieira is that all its components are mounted along a middle of the vehicle, so that brush, tree branches, outcropping rocks and the like do not disturb the passing rack or gear strapped to the rack. In contrast, the vertical uprights of the rack of Toivola, when travelling through the woods, may become entangled with tree branches or an outcropping rock on either side of a closely passing ATV, causing gear to be dragged off the rack or even wreckage of the ATV due to being violently snagged. Here, this is of particular concern, because an operator's attention must be divided between watching for protruding tree branches, rocks and the like along both sides of the ATV in addition to watching the path ahead. This creates a potentially dangerous situation relating to safe operation of the ATV, and also presents the possibility of losing valuable equipment, such as rifles, fishing poles and the like. Such dangers are eliminated with Applicant's rack and gear attached thereto as there simply is no exposure of the rack uprights along sides of the ATV. In addition, Applicant's rack requires fewer parts and thus less fabrication costs, and is lighter in weight so as to not unduly unbalance an ATV. Also, visibility of an operator using Applicant's rack is increased due to less obstruction of vision. Further yet, there is no provision in any of the cited prior art of an adjustable crossbar for adjusting a width of a boat-carrying member thereof, as provided in Applicant's claims 9, 19 and 24.

New claims 9 - 24 are added herewith to more fully claim

Applicant's rack, with independent claim 17 and dependent claims 18 - 21 being means-plus-function claims. It is thus respectfully requested that claims 17-21 be interpreted in light of 35 USC 112, 6th paragraph. Claims 22 - 24 are method claims claiming Applicant's method for carrying a boat.


Applicant's specification is also amended herewith so as to specify that the racks on an ATV extend across the width of the vehicle, as shown in the drawings. In addition, the specification is also amended to positively state that the uprights are mounted so as to extend from a center of the racks, as also shown in the drawings.

CONCLUSION

In view of the foregoing, it is respectfully requested the rejections to claims 1 - 6 based on the cited prior art be withdrawn. It is believed no new matter is added with this amendment.

Along with this response is included a request for continued prosecution, an extension of time for 1 month and 2 extra claims in excess of 20. A check in the amount of \$515 is included herewith to cover these costs.

Respectfully Submitted By:


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